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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ZHEN, LI B

ART UNIT

PAPER NUMBER

2194

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/058,173	Applicant(s) STEFANIK ET AL.	
	Examiner LI B. ZHEN	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-61 and 70-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-61 and 70-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 46-61 and 70-78 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. **Claims 46-61 and 70-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065732 to**

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Rodgers et al. [hereinafter Rodgers, previously cited] in view of U.S. Patent No. 6,832,242 to Keskar et al. [hereinafter Keskar].

6. As to claim 46, Rodgers teaches a method of distributing software [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028] between portable computer systems [content may legitimately be passed directly from one consumer to another; p. 3, paragraph 0028], the method comprising:

demarking files [instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy] on a first portable computer system by a first [consumer "A"] user [transmit a copy of a piece of content to another consumer using a PDA, consumer "A" instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph 0028], the demarking indicating that the demarked files [metadata 202 and the hash 204 for the content, and bundles both into a message 200; p. 3, paragraph 0028] are available for downloading by a second portable computer system by a second [consumer B] user [consumer B is now able to consume the content transmitted from consumer A; p. 3, paragraph 0029];

automatically [p. 3, paragraph 0027] transferring the demarked files, from the first portable computer system to the second portable computer system [metadata 202 and the hash 204 for the content, and bundles both into a message 200 which is then

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transmitted via the wireless port 110 to the PDA 190 of a consumer B; p. 3, paragraph 0028] when the first portable computer system and the second portable computer system are within a communication range according to a communication protocol [Bluetooth or infrared wireless output; p. 3, paragraphs 0026 and 0027].

Although Rodgers teaches transferring metadata about the content between two portable computers [p. 3, paragraph 0028], Rodgers does not specifically teach the metadata including summary information with respect to the demarked files, the summary information consisting of descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files.

However, Keskar teaches sharing items between handheld devices [col. 3, line 63 – col. 4, line 17], the sharable items including game applications, system applications and utility applications [col. 1, lines 30 – 43], demarking files on a first portable computer system by a first user [block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55], the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user [block P720, the sender's HSA beams the intent to share the relevant item along with the sender's user identification information; col. 13, lines 20 – 55], automatically transferring the summary information, from the first portable computer system to the second portable computer system [block P720, Fig. 7; col. 13, lines 20 – 55] the summary information consisting of descriptive information associated with the demarked files, the descriptive information being devoid

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of the demarked files [sharable note may, for example, include information pertaining to the descriptions and locations of the sharable item; col. 13, line 55 – col. 14, line 13].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Rodgers to include the features of Keskar. One of ordinary skill in the art would have been motivated to make the combination because this gives the recipient an opportunity to determine whether they want to accept the sharable item prior to the transferring of the shareable item. This reduces the amount of data transferred if the recipient refuses the sharable item.

7. As to claim 55, Rodgers as modified teaches a portable computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers] comprising:

a bus [col. 2, lines 57 – 67 of Keskar];

a processor coupled to the bus [col. 2, lines 57 – 67 of Keskar];

a wireless transceiver coupled to the bus for transferring information to other computer systems [PDA also has a wireless output 110, typically either Bluetooth or infra red, which enables messages to be beamed over short distances to other PDAs; p. 3, paragraph 0026 of Rodgers]; and

a memory coupled to the bus [PDA 90 when it is to be stored in memory that does not already contain a copy of the content; p. 3, paragraph 0027 of Rodgers], wherein:

the portable computer system [PDA 90; p. 3, paragraph 0028 of Rodgers] is configured to:

store demarked files, the demarked files [instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of Rodgers] being demarked by a first [consumer "A" of Rodgers] user [transmit a copy of a piece of content to another consumer using a PDA, consumer "A" instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph 0028 of Rodgers] and being available for downloading to a second portable computer system by a second user [consumer B is now able to consume the content transmitted from consumer A; p. 3, paragraph 0029 of Rodgers and col. 13, lines 20 – 55 of Keskar], and

automatically transfer [p. 3, paragraph 0027 of Rodgers], to the second portable computer system, summary information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer system is within a communication range [metadata 202 and the hash 204 for the content, and bundles both into a message 200 which is then transmitted via the wireless port 110 to the PDA 190 of a consumer B; p. 3, paragraph 0028 of Rodgers] of the portable computer system according to a communication protocol [Bluetooth or infrared wireless output; p. 3, paragraphs 0026 – 0028 of Rodgers and col. 12, lines 6 – 25 of Keskar], said summary information consisting of descriptive information associated with said

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demarked files the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar].

8. As to claim 70, Rodgers as modified teaches a portable computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers] comprising:

means for storing demarked files, the demarked files [instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of Rodgers] being demarked by a first [consumer "A" of Rodgers] user [transmit a copy of a piece of content to another consumer using a PDA, consumer "A" instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph 0028 of Rodgers] and being available for downloading [col. 13, lines 20 – 55 of Keskar] to a second portable computer system by a second user [consumer B is now able to consume the content transmitted from consumer A; p. 3, paragraph 0029 of Rodgers], and means for automatically transferring [p. 3, paragraph 0027 of Rodgers], to the second portable computer system, summary information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer system is within a communication range of the portable computer system according to a communication protocol [p. 3, paragraphs 0026 – 0028 of Rodgers and col. 12, lines 6 – 25 of Keskar], said summary information

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consisting of descriptive information associated with said demarked files, the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar].

9. As to claim 77, Rodgers as modified teaches a method of distributing software between computer systems [p. 3, paragraph 0028 of Rodgers], the method comprising:

demarking files [instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of Rodgers] on a first computer system [consumer “A” of Rodgers] by a first user [transmit a copy of a piece of content to another consumer using a PDA, consumer “A” instructs the content management program running in PDA 90, via a graphical user interface on the screen 90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph 0028 of Rodgers], the demarking indicating that the demarked files are available for downloading [col. 13, lines 20 – 55 of Keskar] from the first computer system [p. 3, paragraph 0029 of Rodgers]; and

automatically transferring [p. 3, paragraph 0027 of Rodgers], from the first computer system to the second portable computer system, descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the first computer system enters into communication with the second computer system [p. 3, paragraphs 0026 – 0028 of Rodgers and col. 12, lines 6 – 25 of Keskar].

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10. As to claim 47, Rodgers as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

11. As to claim 48, Rodgers as modified teaches the wireless communication protocol includes infrared light signaling [PDA also has a wireless output 110, typically either Bluetooth or infra red, which enables messages to be beamed over short distances to other PDAs; p. 3, paragraph 0026 of Rodgers and col. 12, lines 5 – 25 of Keskar].

12. As to claim 49, Rodgers as modified teaches communications between the first portable computer system and the second portable computer system are direct [col. 12, lines 5 – 42 of Keskar].

13. As to claim 50, Rodgers as modified teaches displaying at least a portion of the transferred summary information at the second portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55 of Keskar]; and selecting, via a user interface [user interface 220; col. 4, lines 57 – 67 of Keskar], at least a subset of the demarked tiles from the displayed portion of the transferred summary information at the second portable computer system [allowing the recipient to have the option to manually reject the item or accept the item; col. 13, lines 50 – 55 of Keskar].

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14. As to claim 51, Rodgers as modified teaches the selecting via the user interface further comprises touching an area of a display screen of the second portable computer system [user interface 220; col. 4, lines 57 – 67 of Keskar].

15. As to claim 52, Rodgers as modified teaches receiving, at the second portable computer system, a download of the selected ones of the demarked files from the first portable computer system in response to the selecting via the user interface at the second portable computer system [p. 3, paragraph 0028 of Rodgers and col. 13, lines 50 – 55 of Keskar].

16. As to claim 53, Rodgers as modified teaches at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers and col. 1, lines 30 – 43 of Keskar].

17. As to claim 54, Rodgers as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [indicative of a time-limited licence, or licences that prevent sharing with peers may be provided, p. 2, paragraph 0022 of Rodgers].

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18. As to claim 56, Rodgers as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

19. As to claim 57, Rodgers as modified teaches the wireless communication protocol includes infrared light signaling [p. 3, paragraph 0026 of Rodgers and col. 12, lines 5 – 25 of Keskar].

20. As to claim 58, Rodgers as modified teaches the portable computer system is configured to communicate directly with the second portable computer system [p. 3, paragraphs 0026 and 0029 of Rodgers and col. 12, lines 5 – 42 of Keskar].

21. As to claim 59, Rodgers as modified teaches the portable computer system is configured to download selected ones of the demarked files to the second portable computer system in response to receiving a download request from the second portable computer system [col. 13, lines 40 – 55 of Keskar].

22. As to claim 60, Rodgers as modified teaches at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers and col. 1, lines 30 – 43 of Keskar].

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23. As to claim 61, Rodgers as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [indicative of a time-limited licence, or licences that prevent sharing with peers may be provided, p. 2, paragraph 0022 of Rodgers].

24. As to claim 71, Rodgers as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

25. As to claim 72, Rodgers as modified teaches the wireless communication protocol includes infrared light signaling [p. 3, paragraph 0026 of Rodgers and col. 12, lines 5 – 25 of Keskar].

26. As to claim 73, Rodgers as modified teaches means for communicating directly with the second portable computer system [p. 3, paragraphs 0026 and 0029 of Rodgers col. 12, lines 5 – 42 of Keskar].

27. As to claim 74, Rodgers as modified teaches means for downloading selected ones of the demarked files to the second portable computer system in response to receiving a download request from the second portable computer system [col. 13, lines 40 – 55 of Keskar].

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28. As to claim 75, Rodgers as modified teaches at least some of the selected ones of the demarked files to be downloaded by the means for downloading selected ones of the demarked files are executable files to be executed at the second portable computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers and col. 1, lines 30 – 43 of Keskar].

29. As to claim 76, Rodgers as modified teaches executable files include one or more application files that have limited functionality or limited time of use [indicative of a time-limited licence, or licences that prevent sharing with peers may be provided, p. 2, paragraph 0022 of Rodgers].

30. As to claim 78, Rodgers as modified teaches the first and second computer systems enter into communication automatically when they are positioned within a communication range [p. 3, paragraph 0028 of Rodgers and col. 12, lines 5 – 25 of Keskar].

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

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Art Unit 2194